

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-08

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE SECTION 7.52.100 TO REGULATE THE USE AND ABUSE OF ALCOHOL IN CITY PARKS AND DECLARING AN EMERGENCY

WHEREAS, the abuse of alcohol in City parks surrounding the downtown area has become a significant problem despite existing regulations; and

WHEREAS, alcoholic beverages should be prohibited in these particular City parks; and

WHEREAS, the regulated, responsible use of alcoholic beverages should continue to be permitted under certain circumstances in some City parks; and

WHEREAS, the Council finds revision of the City's existing rules regarding the use of alcohol in City parks is in the public interest and necessary for the peace, health and safety of the general public.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Section 7.52.100 is amended to read as follows
(Strike-through is language deleted from the code; **bold** language is added to the code):

~~7.52.100 Parks-Intoxicating Liquor Prohibited.~~

~~It is unlawful for any person to take into or upon any park any intoxicating liquor, for other than his own use. No intoxicated person shall enter or remain in any of the parks. The sale or dispensing of malt beverages containing not more than four percent of alcohol by weight, shall be allowed only after obtaining a permit to do so from the City Manager, upon recommendation of the Police Chief, and approval of the Oregon Liquor Control Commission.~~

7.52.100 Alcoholic Beverages in Parks

(a) For purposes of this section:

(1) "Alcoholic beverage" means any liquid containing any form of alcohol, including but not limited to malt and fermented beverages, whether licensed for sale in the state or not.

(2) "Person's own use" means for use by the person as well as use by any person attending the same social event. As used in this definition,

"person" means a person of legal age to possess or drink alcoholic beverages.

(b) Except as provided in this section, it is unlawful for any person to take into or possess any alcoholic beverage in a City park, other than for the person's own use. No intoxicated person shall enter or remain in any City park. The sale of beer or wine in City parks shall be allowed only pursuant to a permit issued by the City Manager on recommendation of the Police Chief, and any such sale must comply with all applicable state liquor laws and permitting requirements. No other alcoholic beverages may be sold in City parks. The limited use and sale of alcoholic beverages allowed by this subsection does not apply to the parks listed in Subsection 3.

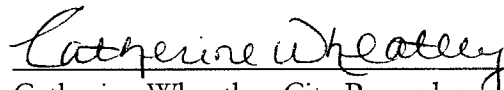
(c) It is unlawful to possess, control, or consume any alcoholic beverage in the following parks: Liberty Park, Main Street Park, Commercial Park and Fanno Creek Park.

(d) Failing to comply with any provision of this section shall be a violation. The civil penalty for violation of this section shall not exceed \$600 for the first violation, and shall not exceed \$1,000 for subsequent violations within 12 months of a previous violation of this section.

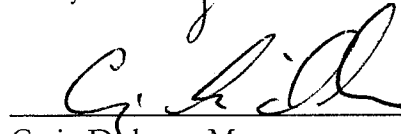
(e) All alcoholic beverages and alcoholic beverage containers brought into, possessed or otherwise present in a park in violation of this section are contraband and may be disposed of or retained as evidence by the City.

SECTION 2: Council finds adoption of this ordinance is necessary for the peace, health and safety of the City; therefore, an emergency is declared and this ordinance shall take effect on July 1, 2006.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 27th day of June, 2006.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of June, 2006.


Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

i:\admpacket\061060627\alcohol ban in parks ord.doc